

*Veto*

SENATE BILL 907

42ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1995

INTRODUCED BY

*Phil Maled*  
*Richard M. Lomen*

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; AMENDING A SECTION  
OF THE NMSA 1978; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 11-1-3 NMSA 1978 (being Laws 1961,  
Chapter 135, Section 3, as amended) is amended to read:

"11-1-3. AUTHORITY TO ENTER INTO AGREEMENTS--APPROVAL OF  
THE SECRETARY OF FINANCE AND ADMINISTRATION REQUIRED.--

A. If authorized by their legislative or other  
governing bodies, two or more public agencies by agreement may  
jointly exercise any power common to the contracting parties,  
even though one or more of the contracting parties may be  
located outside this state; provided, however, nothing  
contained in ~~[this]~~ the Joint Powers Agreements Act shall  
authorize any state officer, board, commission, department or

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underscored material = new  
[bracketed material] = delete

1 any other state agency, institution or authority, or any  
2 county, municipality, public corporation or public district to  
3 make any agreement without the approval of the secretary of  
4 finance and administration as to the terms and conditions  
5 thereof.

6 B. A facility operated or maintained pursuant to a  
7 joint powers agreement or other intergovernmental agreement  
8 shall be deemed to be under the control of a single  
9 governmental entity.

10 C. Joint powers agreements approved by the  
11 secretary of finance and administration shall be reported to  
12 the state board of finance at its next regularly scheduled  
13 public meeting.

14 D. A list of the approved agreements shall be filed  
15 with the office of the state board of finance and made a part  
16 of the minutes."

17 Section 2. EMERGENCY.--It is necessary for the public  
18 peace, health and safety that this act take effect  
19 immediately.

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Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

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has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after the semicolon strike the remainder of the line and strike lines 12 through 25.
2. On page 2, strike lines 1 through 19 and insert in lieu thereof:

"ENACTING A NEW SECTION OF THE TORT CLAIMS ACT TO CLARIFY TREATMENT OF CERTAIN FACILITIES JOINTLY OPERATED BY GOVERNMENTAL ENTITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Tort Claims Act is enacted to read:

"[NEW MATERIAL] LIABILITY--TREATING JOINTLY OPERATED PUBLIC FACILITIES AS A SINGLE GOVERNMENTAL ENTITY.--

A. The immunity granted pursuant to Subsection A of Section 41-4-4 NMSA 1978 does not apply to liability for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties at a jointly operated public school, community center or athletic facility.

B. A jointly operated public school, community center or athletic facility that is used or maintained pursuant to a joint powers agreement shall be deemed to be used or maintained by a single governmental entity for the purposes of and subject to the maximum liability provisions of Section 41-4-19 NMSA 1978.

C. For purposes of this section, a "jointly operated public school, community center or athletic facility" includes a school, school yard, school ground, school building, gymnasium, athletic field, building, community center or sports complex that

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is owned or leased by a governmental entity and operated or used jointly or in conjunction with another governmental entity for operations, events or programs that include sports or athletic events or activities, child care or youth programs, after-school or pre-school activities or summer or vacation programs at the facility."".

Respectfully submitted,

  
Janice D. Paster, Chairman

Adopted   
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date 3/9/95

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